

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION

IN RE: :
DENNIS CALNAN : CASE NO. 5:16-bk-0897
: :
HELEN CALNAN :
a/k/a Helen Marie Calnan :
a/k/a Helen M. Calnan :
: CHAPTER 13

DENNIS CALNAN AND :
HELEN CALNAN, :
Plaintiffs : ADV. NO. _____
vs. :
SERVICE 1ST FEDERAL CREDIT UNION;
Defendant :

**COMPLAINT TO RECOVER DAMAGES FOR VIOLATION
OF THE AUTOMATIC STAY**

NOW COMES Dennis Calnan and Helen Calnan, Debtors, by and through their counsel, Tullio DeLuca, Esquire, and make this Complaint to Recover Damages for Violation of the Automatic Stay and, in support thereof, aver as follows:

1. On March 6, 2016, Dennis Calnan and Helen Calnan, (hereinafter "Plaintiffs/Debtors") filed a petition under Chapter 13 Title 11, U.S. Code in the United States Bankruptcy Court for the Middle District of Pennsylvania.
2. Charles J. DeHart, III, Esquire was appointed the standing Chapter 13 Trustee in the above case.
3. Defendant, Service 1st Federal Credit Union, having offices located at 1207 Bloom Street, Danville, Pennsylvania, is a creditor at the time of the filing of the Chapter 13 Bankruptcy Petition of Debtors, Dennis Calnan and Helen Calnan, for a general unsecured claim.
4. On March 9, 2016, Service 1st Federal Credit Union was served by First-Class Mail

with the Notice of 341 Meeting of Creditors. A copy of the Certificate of Mailing of 341 Meeting Notice is attached hereto and made a part hereof, and marked as Exhibit "A".

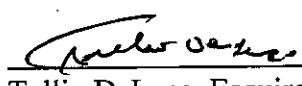
5. Subsequent to being notified of the filing of the Chapter 13 bankruptcy, on May 4, 2016, collection letters were forwarded by Remit Corporation for Service 1st Federal Credit Union by First Class Mail to the Debtors in an attempt to collect on pre-petition debts. Said invoice is attached hereto, and marked as Exhibit "B".

7. Based on the foregoing facts and the Exhibits attached hereto and made a part hereof, Service 1st Federal Credit Union's conduct is in violation of the automatic stay, 11 U.S.C. Section 362.

WHEREFORE, Plaintiffs/Debtors, Dennis Calnan and Helen Marie Calnan, request the following relief:

1. An order adjudging Service 1st FCU in civil contempt for violation of the automatic stay provisions of Section 362 of the Bankruptcy Code.
2. An order awarding debtors damages, including punitive damages, for Service 1st FCU's continued and repeated violations of the automatic stay, along with costs and attorney's fees incurred as a result of the violations of the automatic stay by Service 1st FCU.
3. Such other and further relief as the court may deem appropriate.

Respectfully submitted,



Tullio DeLuca, Esquire
Attorney I.D. 59887
Attorney for Debtors
381 North 9th Street,
Scranton, Pennsylvania 18504
570-347-7764

Dated this 10 day of July, 2016

Exhibit A

United States Bankruptcy Court
Middle District of Pennsylvania

In re:
Dennis Calnan
Helen Marie Calnan
Debtors

Case No. 12-04833-RNO
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0314-5

User: admin
Form ID: B9A

Page 1 of 2
Total Noticed: 11

Date Rcvd: Aug 17, 2012

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 19, 2012.

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
at 81 E-mail/Text: tullio.deluca@verizon.net Aug 17 2012 18:50:31 Tullio DeLuca,
381 N. 9th Street Scranton PA 18504

381 N. 9th Street, Scranton, PA 18504
tr +EDI: QMGOLEYAR.COM Aug 17 2012 18:53:00 Michael G Oleyar (Trustee),
1363 North Church Street, Hazle Township, PA 18202-3338
4164646 EDI: CRFRSTNA.COM Aug 17 2012 18:53:00 CFNA, PO Box 81315, Cleveland, Ohio 44181-0315
4164649 EDI: CBSKOHLS.COM Aug 17 2012 18:53:00 Kohl's, P.O. Box 3043, Milwaukee, 53201-3043
TOTAL: 4

•CC: ***** BYPASSED RECIPIENTS *****

TOTAL: 0

(d)

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

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I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 19, 2012

Signature:

Joseph Spectors

District/off: 0314-5

User: admin
Form ID: B9A

Page 2 of 2
Total Noticed: 11

Date Rcvd: Aug 17, 2012

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 16, 2012 at the address(es) listed below:
NONE ,

TOTAL: 0

to
cc
bcc

UNITED STATES BANKRUPTCY COURT Middle District of Pennsylvania

**Notice of
Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 8/16/12.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Dennis Calnan aka Dennis Calnan Sr. 430 New Grove St. Wilkes-Barre, PA 18702	Helen Marie Calnan aka Helen M. Calnan, aka Helen Calnan 430 New Grove St. Wilkes-Barre, PA 18702
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Case Number:
5:12-bk-04833-RNO

Social Security / Individual Taxpayer ID / Employer Tax ID / Other nos:
xxx-xx-7226
xxx-xx-9075

Attorney for Debtor(s) (name and address):
Tullio DeLuca
381 N. 9th Street
Scranton, PA 18504
Telephone number: 570 347-7764

Bankruptcy Trustee (name and address):
Michael G Oleyar (Trustee)
1363 North Church Street
Hazle Township, PA 18202
Telephone number: 570 455-6800

Meeting of Creditors

Date: October 5, 2012

Time: 02:00 PM

Location: Ramada Inn Wilkes-Barre, 20 Public Square, Washington Room, Wilkes-Barre, PA 18701

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 12/4/12

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court
274 Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701
Telephone number: (570) 831-2500

For the Court:

Clerk of the Bankruptcy Court:
Terrence S. Miller

Hours Open: Monday – Friday 9:00 AM – 4:00 PM

Date: 8/16/12

EXPLANATIONS

B9A (Official Form 9A) (12/11)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must file a complaint — or a motion if you assert the discharge should be denied under §727(a)(8) or (a)(9) — in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
<u>Refer to Other Side for Important Deadlines and Notices</u>	

Exhibit B

DEPT 992 5956534816054
PO BOX 4115
CONCORD CA 94524



May 4, 2016

RETURN SERVICE REQUESTED



DENNIS CALNAN
430 NEW GROVE ST
WILKES BARRE PA 18702-4259



REMIT CORPORATION

36 West Main Street
P.O. Box 7
Bloomsburg, PA 17815
1-877-REMIT IT (736-4848)
(570)387-1011
E-Mail: remit@remitcorp.com
Monday - Thursday 8:00 AM - 8:00 PM EST
Friday 8:00 AM - 6:00 PM EST
Your Customer #: 916480
Reference #: 549311

ACCOUNT#	CLIENT	ORIGINAL CREDITOR	AMOUNT	INT.	FEES	TOTAL
1923076-916480	SERVICE 1ST FEDERAL CREDIT	SERVICE 1ST FEDERAL CREDIT	5314.46	0.00	0.00	5314.46

5314.46	0.00	0.00	5314.46	Total
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THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

The above client has assigned your account to us for collection. All contacts and arrangements must be made with our office.

This amount is seriously past due.

Please include Your Customer # 916480 on any correspondence or payments. Checks or money orders should be made payable to "Remit Corp" and sent to our office at P.O. Box 7, Bloomsburg, PA 17815.

Collection Department
Remit Corporation

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

Pay Online at www.payremitonline.com

DETACH AND RETURN STUB WITH PAYMENT

TO PAY WITH VISA, MASTERCARD, DISCOVER, AMEX, FILL IN BELOW:

CARD #: _____ EXP. DATE: _____

AMOUNT TO CHARGE \$ _____ SIGNATURE _____

Please direct all payments and correspondence to:

REMIT CORPORATION
PO BOX 7
BLOOMSBURG PA 17815-0007



DENNIS CALNAN
Your Customer #: 916480
Reference #: 549311